

I. Amendments to the Claims

Please amend the following claims to read as follows:

Claim 1 (Amended) A surface material comprising:

- (a) 10-30% clay particles;
- (b) 30-80% decomposed granite particles; and
- (c) 10-40% wax of a type to make the surface material malleable and to add cohesiveness between the particles.

Claim 2 (Original) The surface material of claim 1 wherein the clay is dry clay.

Claim 3 (Original) The surface material of claim 2 wherein the dry clay is bentonite.

Claim 4 (Original) The surface material of claim 1 wherein the clay is bentonite.

(31)
Claim 5 (Original) The material of claim 1 wherein the wax has a drop melt point of about 166° F.

Claim 6 (Original) The material of claim 1 wherein the wax has a congealing point of between 150° F and 167° F.

Claim 7 (Original) The material of claim 1 wherein the wax has a kinematic viscosity between 16 and 23

Claim 8 (Original) The material of claim 1 wherein the wax has a kinematic viscosity between 6.7 and 7.8.

Claim 9 (Original) The material of claim 1 wherein the wax has a kinematic viscosity between 6.7 and 23.

Claim 10 (Original) The material of claim 1 wherein the wax has a Saybolt viscosity between 81.8 and 111.4.

Claim 11 (Original) The material of claim 1 wherein the wax has a Saybolt viscosity between 48.1 and 51.8.

Claim 12 (Amended) A surface material made by the method of mixing clay with emulsified wax of a type to make the surface material malleable and to add cohesiveness between the particles.

Claim 13 (Previously Presented) The surface material of claim 12 wherein the wax is emulsified in water.

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Claim 14 (Previously Presented) The surface material of claim 13 wherein the wax is liquid while emulsified.

Claim 15 (Previously Presented) The surface material of claim 14 wherein the wax is a microaryotalline based slack wax.

Claim 16 (Previously Presented) The surface material of claim 12 wherein the surface material is dried after the clay and emulsified wax are mixed.

Claim 17 (Previously Presented) The surface material of claim 12 that further comprises the step of placing a layer of the surface material on a surface.

Claim 18 (Previously Presented) The surface material of claim 17 wherein the layer is between 2" and 6" deep.

Claim 19 (Previously Presented) The surface material of claim 17 wherein the surface material is dried before placing it on the surface.

Claim 20 (Previously Presented) The surface material of claim 17 that further includes the step of transporting the surface material prior to placing a layer on the surface.

Claim 21 (Previously Presented) The surface material of claim 20 wherein the mixture is at least partially covered with a moisture-proof barrier during the step of transporting.

Claim 22 (Previously Presented) The surface material of claim 12 wherein the surface material further comprises decomposed granite and is made by the method of mixing decomposed granite, clay and emulsified wax.

Claim 23 (Previously Presented) The surface material of claim 12 wherein neither the clay nor the wax are heated prior to or during the mixing step.

BI Claim 24 (Previously Presented) The surface material of claim 21 wherein the moisture-proof barrier is comprised of plastic.

Claim 25 (Previously Presented) The surface material of claim 12 wherein, the emulsified wax is placed onto a surface comprising clay prior to mixing the clay and emulsified wax.

Claim 26 (Previously Presented) The surface material of claim 12 wherein the surface material further comprises silt and is formed by the method of mixing silt, clay and emulsified wax.

Claim 27 (Previously Presented) The surface material of claim 25 that further includes the step of mixing the wax with the surface material to form a mixture.

Claim 28 (Previously Presented) The surface material of claim 25 wherein the mixing is done by tilling the mixture by hand.

Claim 29 (Previously Presented) The surface material of claim 25 that further includes the step of compressing the mixture of wax and surface material.

Claim 30 (Previously Presented) The surface material of claim 29 wherein the mixture is compressed using a roller.

Claim 31 (Previously Presented) The surface material of claim 25 wherein neither the soil material nor the emulsified wax is heated prior to or during mixing.

Claim 32 (Previously Presented) The surface material of claim 12 wherein the surface material includes gravel.

Claim 33 (Previously Presented) The surface material of claim 12 wherein the surface material includes organic binder.

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Claim 34 (Previously Presented) The surface material of claim 33 wherein the organic binder is dried and ground plantago.

Claim 35 (Previously Presented) The surface material of claim 34 wherein the dried and ground plantago consists of 80% or more plantago husk.

Claim 36 (Previously Presented) The surface material of claim 25 wherein the surface material is part of a pitcher's mound.

Claim 37 (Amended) A surface material comprising wax of a type to make the surface material malleable and to add cohesiveness between the particles and clay and having the following properties:

- (a) A dry density of between 100 and 115 lbs/ft; and
- (b) An unconfined compressive strength of between 10 and 100 psi, wherein there is not brittle failure of the surface material.

Claim 38 (Original) The surface material of claim 37 that further includes a shear strength of between 5 and 50 psi.

Claims 39-40 (cancelled)

Claim 41 (Original) The surface material of claim 37 that further includes a shear strength of between 5 and 50 psi.

Claim 42 (Amended) The surface material of claim 40 37 that further includes silt.

(31)
Claim 43 (Amended) The surface material of claim 40 37 that further includes decomposed granite.

Claim 44 (Amended) A method for repairing a surface material, the surface material comprising soil clay and wax of a type to make the surface material malleable and to add cohesiveness between the particles, the method comprising the step of working the surface material with a heated tool.

Claim 45 (Amended) The method of claim 45 44 wherein the tool is a rake and the working includes raking the surface material.

Claim 46 (Amended) The method of claim 45 44 wherein the tool is a roller and the working includes compacting the surface material.
